

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 4:10CR3092
)
)
v.)
)
) MEMORANDUM AND ORDER
DAVID W. SEEVERS,)
)
)
Defendant.))

The defendants have moved to continue the pretrial motion deadline currently set for October 27, 2010. Filing No. 22. Defense counsel explains the defendant needs additional time to prepare and file a pretrial motion. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 23), is granted and the defendant's pretrial motions and briefs shall be filed on or before December 2, 2010.
- 2) The ends of justice will be served by granting defendant's motions to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between **November 2, 2010** and **December 2, 2010**, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) As to all defendants, the trial of this case is continued pending resolution of any pretrial motions filed.

November 2, 2010.

s/ Cheryl R. Zwart
United States Magistrate Judge